

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**In re: Valsartan Products Liability Litigation** : MDL No. 2875  
: Hon. Robert B. Kugler  
This document relates to: United States District Judge  
:   
*Estate of Rodney Walker v. Torrent* : Hon. Karen M. Williams  
*Pharmaceuticals, Ltd., et al.;* : Magistrate Judge  
1:20-cv-11517-RBK-KMW  
:

**MOTION TO ADD PARTY PLAINTIFF AND AMEND COMPLAINT**

Estate of Rodney Walker, by and through the undersigned counsel, moves the Court for an order to add the Estate of Plaintiff's wife as an additional party and to amend the Complaint. In support, the Estate states the following:

1. On August 26, 2020, Plaintiff Estate of Rodney Walker, initiated this action against Defendants for personal injury relating to cancer allegedly caused by Defendants' products.
2. On November 18, 2020, during the pendency of this action, Plaintiff's Administrators were made aware of the existence of The Estate of Virginia Lee Walker, Plaintiff's now deceased spouse.
3. The Estate of Virginia Lee Walker maintains a loss of consortium claim, and is the appropriate party to continue the interest in this action.
4. Accordingly, pursuant to F.R.C.P. 25(a)(1), The Estate of Rodney Walker moves the Court to add The Estate of Virginia Lee Walker as a claimant for the Loss of Consortium cause of action.

5. Additionally, pursuant to F.R.C.P. 15(a)(2), The Estate of Rodney Walker seeks leave to amend the Short Form Complaint ("SFC") to reflect this additional party as well as add loss of consortium caused of action.

6. Under Civil Rule 15.02, leave to amend should be "freely given when justice so requires." By granting leave to amend the complaint, no party should suffer any prejudice as the case is still in the early stages of litigation.

7. Exhibit A to this Motion is a clean copy of the proposed First Amended SFC. Exhibit B is a Proposed Order.

8. Pursuant to Local Rule 15.1(a), counsel for Plaintiff attempted to confirm whether Defendants would consent, not oppose, or oppose this Motion. However, counsel was unable, despite making a good faith effort, to get a response from all Defendants.

WHEREFORE, The Estate of Rodney Walker respectfully requests that he be granted leave to add an additional party, Estate of Virginia Lee Walker, as to the cause of action for loss of consortium and that Estate of Rodney Walker be granted leave to amend the Short Form Complaint.

Dated: May 6, 2021

Respectfully submitted,

/s/ Gary F. Franke

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**CERTIFICATE OF SERVICE**

I certify that on May 6, 2021, I electronically filed the foregoing document with the Clerk of Court via the CM/ECF system, which will send notification of such filing to all parties in this action.

/s/ Gary F. Franke

Gary F. Franke

Attorney At Law